

REMARKS

Applicant has reviewed, and carefully considered the non-final Office Action dated November 22, 2004. Claims 1-24 are pending. Claims 1, 5-7, 11-13, 17-19, 23, and 24 are rejected. Claims 2-4, 8, 10, 14-16 and 20-22 are objected to.

Applicant appreciates Examiner's indication of allowability of claims 2-4, 8, 10, 14-16 and 20-22.

In paragraph 2 on page 2 of the Office Action, claims 1, 5-7, 11-13, 17-19, 23, and 24 were rejected under 35 U.S.C. § 102(e) over Reasoner (U.S. Patent No. 6,634,553).

Applicant respectfully traverses the § 102(e) rejection. Applicant submits that the requirements for a §102(e) rejection are not present and a *prima facie* rejection fails because the Office Action fails to cite a reference that teaches, discloses or suggests all the claim limitations of Applicant's Application.

Applicant's invention focuses on an "imaging tape cartridge picker system for use in aligning a tape cartridge picker with cartridges in cells of a tape cartridge magazine" which requires at least "a picker assembly; illumination sources disposed at the front of the picker assembly for illuminating an object; an imager disposed on the front of the picker assembly for gathering image data of the object; and a processor, coupled to the imager and illumination sources, for thresholding the image data obtained from the imager and for controlling the illumination sources; wherein the processor uses bounding boxes to identify the location of a desired physical feature in the thresholded image."

Particularly, Applicant's invention requires "a processor, coupled to the imager and illumination sources, for thresholding the image data obtained from the imager for controlling the illumination sources."

Reasoner, on the other hand, focuses on evenly illuminating a target, such as a label, for image capture. Reasoner states "the intensity of individual LEDs 201-212 is varied to compensate for actual LED-array positioning and to compensate for the effects of illuminator lens 15." Column 7, lines 1-3. At column 7, lines 33-34, Reasoner states "[t]he data storage system incorporates an algorithm that drives the overall brightness of LEDs 201-212." Reasoner does not further discuss how the algorithm operates to drive the overall brightness of the LEDs. Therefore, Reasoner fails to disclose, teach or

suggest “a processor, coupled to the imager and illumination sources, for thresholding the image data obtained from the imager for controlling the illumination sources.”

The Office Action incorrectly asserts that Applicant’s processor is disclosed at column 5, lines 27-29. Rather, at column 5, lines 27-29, Reasoner merely states “A processor may be mounted on picker assembly 10 to receive and process the output of CCD device 25.” Reasoner does not state that the processor performs thresholding on image data anywhere. Therefore, Reasoner fails to disclose, teach or suggest “a processor, coupled to the imager and illumination sources, for thresholding the image data obtained from the imager for controlling the illumination sources.”

Furthermore, in Applicant’s invention, the processor “uses bounding boxes to identify the location of a desired physical feature in the thresholded image.”

Because Reasoner does not teach thresholding, Reasoner cannot teach using “bounding boxes to identify the location of a desired physical feature in the thresholded image” from Applicant’s invention.

In addition, Reasoner merely focuses on illuminating labels and reading the back of magazines. For example, at column 6, lines 27-29, Reasoner states “LED array 12 is preferably and primarily used to illuminate label area 22, and LED array 13 is preferably and primarily used to read the back of the magazine.” Reasoner states nothing related to locating features on in an image. Therefore, Reasoner does not disclose, teach or suggest using “bounding boxes to identify the location of a desired physical feature in the thresholded image.”

Moreover, Reasoner also focuses on properly identifying empty magazine slots. For example, at column 6, lines 20-23, Reasoner states, “[t]he back of the magazine has unique characteristics that the label processing algorithm can use to identify the slot as ‘empty.’” Because the algorithm is only described as using unique characteristics to identify the slot as empty, Reasoner fails to disclose teach or suggest using “bounding boxes to identify the location of a desired physical feature in the thresholded image.”

The Office Action is incorrect where it asserts that bounding boxes are disclosed at column 4, lines 30-32. Rather, Reasoner states at column 4, lines 28-32 that “Illuminator lens 15 in front of LED array 13 is molded so that it functions to throw light from LED array 13 farther away from picker assembly than the light from LED array 12.

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This allows light to be reflected off of the back of a storage magazine when picker assembly 10 is positioned in front of an empty data cartridge storage slot.” The empty data cartridge storage slot is not used to identify features in a thresholded image. Therefore, Reasoner fails to disclose, teach or suggest using Applicant’s “bounding boxes to identify the location of a desired physical feature in the thresholded image.”

Because Reasoner fails to disclose, teach or suggest at least the elements of the independent claims, Applicant submits that the § 102(e) rejection is improper and respectfully requests that the rejection be withdrawn.

Dependent claims 2-6, 8-12, 14-18, and 20-24 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 1, 7, 13, and 19. Further, dependent claims 2-6, 8-12, 14-18, and 20-24 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 2-6, 8-12, 14-18, and 20-24 are patentable over the cited patent.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested. Please charge/credit Deposit Account No. 50-0996 (IBMT.011US01) for any deficiencies/overpayments.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant’s attorney of record, David W. Lynch at 651-686-6633 Ext 116.

Respectfully submitted,

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